

## REMARKS / DISCUSSION OF ISSUES

In response to the Office Action dated January 26, 2009, Applicants respectfully request reconsideration. No amendments have been made to pending claims 1-20 and, therefore, no listing of the claims is required per 37 CFR 1.121.

Applicants gratefully acknowledge the withdrawal of the previous rejections. All of the issues now raised in the Office Action have been carefully considered and are addressed herein. The application as presented is believed to be in allowable condition.

### **I. Claim Rejections under 35 U.S.C. §102**

Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being allegedly unpatentable over U.S. Patent Application 2008/0034331 by Josephsoon *et al.* ("Josephsoon"). For at least the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

Applicants rely at least on the following well-established standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim<sup>1</sup>. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference or embodied in a single prior art device or practice.<sup>2</sup> For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.<sup>3</sup>

#### **Claim 1**

Claim 1 is drawn to a lighting control network and features:

*a remote control unit having a RF signal transmitter and a RF signal receiver; and a plurality of lighting control units, each of said lighting control units having a RF signal transmitter, a RF signal receiver, and a lighting unit associated therewith, wherein said remote control unit and said plurality of lighting control units are configured in a master-slave oriented network, one of said plurality of lighting control units and said remote control unit being configured as a master in said network and remaining*

<sup>1</sup> See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

<sup>2</sup> See, e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994) and *Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992)

<sup>3</sup> See, e.g., *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

***lighting control units of said plurality of lighting units and said remote control unit being configured as slaves in said network, and said plurality of lighting control units and said remote control unit communicating bi-directionally with each other via a RF wireless link (Emphasis added)***

In rejecting claim 1, the Office Action directs Applicants to Fig. 2B and paragraphs [0111] and [0113] for the alleged disclosure of the highlighted features of claim 1. In particular, the Office Action relies on remote control unit 220, central control unit 252 and multi-device switches (MDS) 202 for the alleged disclosure of the remote control unit and the lighting control units, recited in claim 1<sup>4</sup>. Applicants respectfully disagree.

At the outset, Applicants respectfully submit that the central control unit 252 of Josephsoon is not described or otherwise suggested to be a remote control unit. Moreover, there is no disclosure of the configuring of any of the MDSs 202 or the remote control unit 220 to be masters in a master-slave oriented network. Notably, the cited portion of Josephsoon relied upon in the Office action for the rejection of claim 1 states:

[0111] Referring now to FIG. 2B, another preferred embodiment of an electrical device control system of this invention, generally 250, is shown to include a central control unit 252 having a housing 254 including an user interface 256 and a processing and control unit 258. The central control unit 252 is connected, via electric wires 260 to a plurality of MDSs 202. One of ordinary skill in the art should recognize that wires 260 can be replaced by any other type of wired communication such as optical fiber, coaxial cable, twisted pairs, shielded twisted pairs or the like or any type of wireless communication such as RF, ultrasound, laser, maser, IR, near IR, microwave, or the like...

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[0113] As in the system 200, the system 250 also includes a handheld or remote control unit 220 having a housing 222 including an user interface 224 and a processing and control unit 226. Motion of a body part of a human or animal or an object under the control of a human or an animal (not shown) on, about, over or near or in proximity to a surface 228 of the interface 224 in a first direction 230 allows the user to scroll through the MDSs 202 as if the interface 256 was being directly activated. Motion of the body part on, about, over or near or in proximity to the surface 228 in a second direction 232 allows the user to scroll through the devices 210 controlled by a selected MDS 202, selected by the change in direction. While, motion in the first direction 230 for a second time, results in a change of a value of an attribute associated with a

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<sup>4</sup> "In this case, the system 250 also includes handheld or remote control unit (220) and selected MDS (252 of 202), the remote control unit (220) or the remote control unit (252) is a master and communicating with [a] plurality of lighting control units (202s) bi-directionally with each other via a RF wireless link (see Fig. 2B, page 11, section [0111] lines 3-12, section [0113])" (Office Action, page 3)

selected electrical device, selected by the change in direction of motion. **The remote unit 220 is in communication with the control unit 252 via the wire-based and/or a wireless communication pathway or link 234.** (Emphasis added).

Thus, the remote unit 220 is in communication with the control unit 252, and not with the MDSs 202. Assuming arguendo, but not conceding, that the MDSs 202 are lighting control units, it is clear from the teachings of Josephsoon that the remote unit 220 is **not** in communication with the MDSs 202, **but rather** with the central control unit 252. Moreover, as explained above, there is no disclosure whatsoever of the remote control unit 220 or of the MDSs 202 being masters in a master-slave configuration. In fact, Applicants note that in the 42 pages of text of Josephsoon the term 'slave' is not used at all and the term 'master' is used merely in describing a clocking function.

Accordingly, Applicants respectfully submit that the applied art fails to disclose or fairly suggest at least one feature of claim 1.

Claim 11:

Claim 11 recites a method for configuring a lighting control network, comprising:

configuring a remote control unit having a RF signal transmitter and a RF signal receiver and a plurality of lighting control units, each of said lighting control units having a RF signal transmitter, a RF signal receiver, and a lighting unit associated therewith, in a master-slave oriented network;

*designating one of said plurality of lighting control units and said remote control unit as a master in said network and designating remaining lighting control units of said plurality of lighting units and said remote control unit as slaves in said network;* and

communicating bi-directionally *between said plurality of lighting control units and said remote control unit* via a RF wireless link.

Claim 11 is rejected collectively with claim 1. As such, Applicants respectfully submit that for reasons substantively the same as set forth in the traversal of the rejection of claim 1, the applied art fails to disclose at least the emphasized features of claim 11.

Thus, and for at least the reasons set forth above, Applicants respectfully submit that the prior art of record fails to disclose at least one feature of each of claims 1 and 11.

*General Comments on Rejections of Dependent Claims*

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicant concurs that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

***II. Claim Rejections under 35 U.S.C. §103***

Applicants have reviewed the rejections of claims 8 and 18 under this section of the Code. While in no way conceding the propriety of the rejection, Applicants respectfully submit that claims 8 and 18 depend from claims 1 and 11, and are patentable for at least the same reasons.

**CONCLUSION**

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify any concession of unpatentability of the claim prior to its amendment. In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Reply, that the application is not in condition for allowance, the Examiner is requested to call one of Applicant's representatives at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application. If this response is not considered timely filed, Applicants hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 14/1270.

Respectfully submitted,

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